



House of Representatives

General Assembly

File No. 625

February Session, 2008

Substitute House Bill No. 5722

House of Representatives, April 15, 2008

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PROTECTIVE ORDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-1k of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) Upon the arrest of a person for a violation of subdivision (1) or
5 (2) of subsection (a) of section 53-21 of the 2008 supplement to the
6 general statutes, section 53a-70, 53a-70a, 53a-70c of the 2008
7 supplement to the general statutes, 53a-71 of the 2008 supplement to
8 the general statutes, 53a-72a, 53a-72b, or 53a-73a of the 2008
9 supplement to the general statutes, or any attempt thereof, or section
10 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order
11 pursuant to this section. Upon the arrest of a person for a violation of
12 section 53a-182b or 53a-183, the court may issue a protective order
13 pursuant to this section if it finds that such violation caused the victim
14 to reasonably fear for his or her physical safety. Such order shall be an
15 order of the court, and the clerk of the court shall cause a certified copy

16 of such order to be sent to the victim, and a copy of such order, or the
17 information contained in such order, to be sent by facsimile or other
18 means within forty-eight hours of its issuance to the appropriate law
19 enforcement agency.

20 (b) A protective order issued under this section may include
21 provisions necessary to protect the victim from threats, harassment,
22 injury or intimidation by the defendant, including but not limited to,
23 an order enjoining the defendant from (1) imposing any restraint upon
24 the person or liberty of the victim, (2) threatening, harassing,
25 assaulting, molesting or sexually assaulting the victim, or (3) entering
26 the dwelling of the victim. A protective order issued under this section
27 may include provisions necessary to protect any animal owned or kept
28 by the victim including, but not limited to, an order enjoining the
29 defendant from injuring or threatening to injure such animal. Such
30 order shall be made a condition of the bail or release of the defendant
31 and shall contain the following language: "In accordance with section
32 53a-223 of the Connecticut general statutes, any violation of this order
33 constitutes criminal violation of a protective order which is punishable
34 by a term of imprisonment of not more than five years, a fine of not
35 more than five thousand dollars, or both. Additionally, in accordance
36 with section 53a-107 of the Connecticut general statutes, entering or
37 remaining in a building or any other premises in violation of this order
38 constitutes criminal trespass in the first degree which is punishable by
39 a term of imprisonment of not more than one year, a fine of not more
40 than two thousand dollars, or both. Violation of this order also violates
41 a condition of your bail or release and may result in raising the amount
42 of bail or revoking release."

43 (c) The information contained in and concerning the issuance of any
44 protective order issued under this section shall be entered in the
45 registry of protective orders pursuant to section 51-5c.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2008	54-1k
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JUD *Joint Favorable Subst. C/R*

APP

APP *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Cost	3,000	4,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the list of offenses for which the court may issue a protective order. The Judicial Department notifies victims via certified mail (current USPS charge is \$2.65 + \$0.41) when a protective order has been issued. Up to 1,300 additional protective orders could be issued each year under the bill. The annual cost is therefore estimated to be \$4,000. The FY 09 cost would be 25% less because the effective date of the bill is 10/1/08.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5722*****AN ACT CONCERNING PROTECTIVE ORDERS.*****SUMMARY:**

This bill expands courts' authority to issue protective orders. Under the bill, they may do so when a person is arrested for committing or attempting to commit:

1. risk of injury by contacting the intimate parts of a child under age 16 or subjecting the child to contact with the offender's intimate parts in a sexual and indecent manner likely to impair the child's health or morals;
2. risk of injury by willfully or unlawfully causing or permitting a child under age 16 to be placed in a situation that (a) endangers the child's life or limb, (b) will likely injure his or her health, or (c) will likely impair his or her morals;
3. risk of injury by doing anything likely to impair the health or morals of a child under age 16;
4. first-, second-, third-, or fourth-degree sexual assault;
5. first-degree aggravated sexual assault;
6. aggravated assault of a minor; or
7. third-degree sexual assault with a firearm.

Courts may currently issue protective orders when someone is arrested for stalking, disorderly conduct, or second-degree harassment. By law, violation of a protective order constitutes criminal violation of a protective order, punishable by up to five years

in prison, a \$5,000 fine, or both.

EFFECTIVE DATE: October 1, 2008

BACKGROUND

Protective Orders

Protective orders are court-issued criminal orders typically issued to protect victims of family violence crimes from threatened or further harm. These orders may, among other things, prohibit the respondents from restraining, threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the victim, or entering the victim's home. Protective orders are a condition of bail or other release from incarceration.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute Change of Reference

Yea 42 Nay 0 (03/17/2008)

Appropriations Committee

Joint Favorable Substitute

Yea 54 Nay 0 (03/28/2008)